

LOUIS RODRIGUEZ RAMIREZ

VS.

Defendants.

COMES NOW the Plaintiff, Louis Rodriguez Ramirez, by counsel, for his Complaint for Damages against the Defendants, Timothy Norment and XPO Logistics Freight, Inc., and alleges and states as follows:

1. At all times relevant to this action, the Plaintiff, Louis Rodriguez Ramirez was a resident of Milwaukee, Wisconsin.
2. At all times relevant to this action, Defendant, Timothy Norment (hereinafter known as “Norment”), was a resident of Wolcottville, LaGrange County, Indiana
3. At all times relevant to this action, XPO Logistics Freight (hereinafter known as “XPO”), was a company with its principal office in Ann Arbor, Michigan but doing business in the State of Indiana and with an office location in Richmond, Wayne County, Indiana.
4. The incident that is the subject of this complaint is a collision that occurred in Elkhart County, IN, therefore, proper venue pursuant to Indiana Rule of Trial Procedure 75(A)(3) lies in Elkhart County.

5. At all times relevant to this action, all acts and omissions of Defendants, herein alleged were performed or omitted by employees, agents, and/or representatives of XPO, while acting within the scope and course of their employment with XPO.
6. At all times relevant to this action, Norment was operating a Semi tractor trailer owned and insured by Defendant, XPO.
7. At all times relevant to this action, Defendant, Norment was operating the Semi-tractor trailer in the scope and course of his employment and/or with the express permission of Defendant, XPO, which is vicariously liable for the negligence of Norment.
8. On or about October 15, 2021, Plaintiff, Louis Rodriguez Ramirez, was traveling eastbound on I-80 near mile marker 95.4 in Elkhart County when the Semi-tractor trailer driven by Norment violently crashed into his vehicle.
9. Defendant Norment, while operating Defendant, XPO's Semi tractor trailer south bound on I-80 negligently drove his Semi tractor trailer into Plaintiff's vehicle causing damages.
10. Defendant, XPO, by and through its agent, representative and/or employee, Defendant, Norment, was careless and negligent in one or more of the following ways:
 - a. Norment carelessly and negligently failed to use the care an ordinarily careful person would use under the same or similar circumstances;
 - b. Norment carelessly and negligently failed to keep the vehicle he was operating under proper control;
 - c. Norment carelessly and negligently failed to timely apply the brakes of the vehicle he was operating;

- d. Norment failed to maintain a proper lookout;
- e. Norment carelessly and negligently operated his vehicle at a dangerous and excessive rate of speed under the circumstances; and
- f. Norment operated a commercial vehicle in violation of state and federal statutes and regulations.

11. As a direct and proximate result of the carelessness and negligence of the Defendants, the Plaintiff, suffered personal and emotional injuries resulting in medical expenses, lost wages, physical pain and suffering, as well as mental anguish and suffering and her injuries may be permanent in nature.

12. In order to treat these injuries, the Plaintiff, was required to engage the services of hospitals and medical practitioners and incurred medical expenses. The Plaintiff may continue to incur medical expenses for care in the future, all as a direct and proximate result of the negligence of the Defendants.

13. At the time of this incident, the Plaintiff was gainfully employed and by of the negligence of the Defendants, she missed time from her employment and may be forced to miss time in the future.

14. As a direct and proximate result of the carelessness and negligence of the Defendants, the Plaintiff has been damaged.

WHEREFORE, the Plaintiff prays for judgment against the Defendants in an amount commensurate with the evidence of their damages sustained, interest, costs of this action and all other relief proper in the premises.

REQUEST FOR TRIAL BY JURY

COMES now the Plaintiff, by counsel and files herein his request for trial by jury for the above action.

Respectfully submitted,

/s/ Katherine Karres

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